

The Massachusetts Strategic Plan for Cyber Crime

FALL 2007



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF ATTORNEY GENERAL
MARTHA COAKLEY

INTRODUCTION

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The Office of Attorney General Martha Coakley (AGO) takes a broad view of cyber crime, defining it to include both crimes facilitated by computers and those involving digital evidence. Criminals are constantly finding more inventive ways to facilitate crimes using technology. Moreover, there are inherent and increasing difficulties in investigating crimes involving digital evidence. Rapid changes in technology make cyber crime a moving target. The actions outlined in this plan are designed to equip law enforcement with the knowledge and tools necessary to fight cyber crime in the immediate future as well as over the long run.

The AGO is leading a broad coalition of law enforcement entities in the development of a network to prevent and respond to cyber crime. Any law enforcement agency may become a member of the Massachusetts Cyber Crime Initiative simply by assigning an official point of contact to coordinate its activities with the Office of the Attorney General. The coalition has helped develop this Strategic Plan in order to serve as a catalyst to stimulate and guide the Commonwealth's development of cyber crime prevention and response capacity. We developed this plan recognizing that no single agency alone has the resources to counter cyber crime. Drawing upon existing centers of excellence, the Office of the Attorney General and its partners are building sustainable programs to provide Massachusetts with exceptional law enforcement and crime prevention services.

BACKGROUND

In 1994, Massachusetts became one of the first states in the nation to adopt statutes criminalizing the theft of computer services and unauthorized access to computers. Since that time, technology, particularly the Internet, has evolved at a staggering rate. The use of electronic technology is now so commonplace that almost every investigation may involve digital evidence.

Unfortunately, law enforcement training, funds for cyber crime investigations, and the statutory framework for investigating and prosecuting crimes with a cyber component have not kept pace with the technology. Further, community outreach and education is only available on an ad hoc, sporadic basis, if at all. Although Massachusetts is fortunate to have some of the leading cyber crime experts in the nation and several facilities with first-rate digital evidence processing capabilities, the sheer volume of cyber crime threatens to overwhelm law enforcement and cyber crime expertise is not widely distributed across the Commonwealth. Perhaps most fundamentally, there is no unified approach to cyber crime. To address these deficiencies, Attorney General Martha Coakley brought together law enforcement and prosecutors to develop the Massachusetts Cyber Crime Initiative.

The first step in developing the Massachusetts Cyber Crime Initiative was for the Attorney General's Office to conduct a survey to identify the nature and scope of cyber crime investigation and prosecution in Massachusetts. The survey also asked law enforcement officers and prosecutors what they needed to effectively respond to cyber crime. Before the Attorney General's Office conducted this survey, law enforcement had no reliable data on the nature and scope of cyber crime in Massachusetts. One hundred and fifty respondents reported that they had conducted a combined total of 13,184 investigations with a cyber component in 2006. The survey also revealed the following information:

- Fraud, criminal threats and forgery were the most investigated crimes involving cyber issues. Those crimes were followed by larceny, drugs, and online child solicitation and pornography.
- More than 900 forensic exams were reportedly conducted by Massachusetts law enforcement in 2006.
- Two major legal impediments faced by law enforcement are the need for administrative subpoenas and increased penalties for cyber crime.
- Training was cited as the single best way to increase law enforcement's ability to respond to cyber crime.

Following the cyber crime survey, the Attorney General convened a meeting of key law enforcement stakeholders to develop a plan to address the cyber crime needs identified in the survey. The strategic planning participants included the Attorney General and her staff, members of the Executive Office of Public Safety, State Police, Medford Police, the Northeastern Massachusetts Law Enforcement Council, and representatives from numerous District Attorney Offices, including

Berkshire, Bristol, Cape and Islands, Essex, Franklin and Hampshire, Middlesex, Norfolk, Plymouth, Worcester, and Suffolk Counties.

The group used the survey data and their collective experience to identify the most pressing cyber crime issues as follows:

PRIORITY 1. Deliver Law Enforcement Training

PRIORITY 2. Support and Enhance Cyber Crime Prevention and Information Sharing Activities

PRIORITY 3. Develop and Promote Common Operating Procedures and Standards

PRIORITY 4. Examine Statewide Digital Forensic Evidence Processing Requirements

PRIORITY 5. Secure Funding for Cyber Crime Programs

PRIORITY 6. Amend Jurisdictional and Substantive Law

The cyber crime survey and strategic planning session allowed the Attorney General's Office to determine the nature and scope of the problem of cyber crime in Massachusetts. The following strategic plan outlines a clear mission to respond to the problem based upon the consensus of the parties. Finally, the strategic plan contains goals and objectives for gauging progress in order to deliver the highest level of public safety to the citizens of Massachusetts.

THE MASSACHUSETTS STRATEGIC PLAN FOR CYBER CRIME

MISSION STATEMENT

The Massachusetts Cyber Crime Initiative will develop Commonwealth-wide capacity to prevent, investigate, and prosecute cyber crime.

CONDITIONS FOR SUCCESS

Success will require additional resources, statutory and regulatory amendments, and the adoption of common operating procedures and standards. A successful effort to combat cyber crime will only be possible through a collaborative approach between federal, state, and local criminal justice agencies. All of the priorities outlined in this plan must be addressed in order to fully realize the goals of the initiative. The steps outlined below will be accomplished by initiative partners and other experts in the field retained to provide training or other support.

PRIORITY 1: DELIVER LAW ENFORCEMENT TRAINING:

The 2007 Massachusetts Cyber Crime Initiative survey found that a lack of training was the number one impediment facing law enforcement when investigating crimes with a cyber component. First responders, investigators, forensics examiners, prosecutors, probation and

parole officials and the judiciary all require training. The first goal of the initiative is to secure the delivery of broad-based and appropriate training to law enforcement and prosecutors.

GOAL 1. Coordinate, develop, and deliver basic training within one year on cyber crime investigation to at least two individuals in the department of each Cyber Crime Initiative partner.

- a. Identify existing cyber crime training resources that meet the standards of best practices agreed upon by the partners in the initiative.
- b. Train law enforcement partners as cyber crime instructors to ensure sustainability and effective dissemination of information and resources.
- c. Develop and exploit distance learning technology to support broad delivery of training.

GOAL 2. Ensure delivery of cyber crime awareness at the Massachusetts police academy.

- a. Partner with appropriate organizations to ensure delivery of material and information at all academies, and that it is approved by those partners and integrated into the curriculum.
- b. Increase understanding, knowledge and proficiency of prosecutors in the area of cyber crime.
- c. Develop multi-tiered training addressing a broad range of digital technology, the scientific standards that form the foundation for the introduction or evidence in court, and the use and presentation of digital evidence in court.

GOAL 3. Increase understanding, knowledge and proficiency among the Judiciary in cyber crime.

- a. Develop awareness programs for delivery either in person or through distance learning or Web technology in partnership with the Judicial Training Institute and others.

PRIORITY 2: SUPPORT AND ENHANCE CYBER CRIME PREVENTION AND INFORMATION SHARING ACTIVITIES

The initiative will support the development of a real and a virtual community through which skills, resources, training, and best practices in investigation, prevention and community education will be shared.

GOAL 1. Develop a sustainable cyber crime information sharing program for Massachusetts law enforcement.

- a. Develop a law enforcement web site for sharing information on cyber crime in order to allow the AGO to reach the broadest possible audience 24 hours a day
- b. Deliver four information sharing meetings for Massachusetts law enforcement.
- c. Develop a quarterly electronic publication on cyber crime for law enforcement
- d. Designate a working group to coordinate digital evidence information sharing activities across Massachusetts.

GOAL 2. Develop a network of resources and trainers to provide community-based programming in the area of Internet safety.

- a. Conduct a literature review to gather best practices in prevention education.
- b. Assess current literature and practices.
- c. Conduct a gap analysis to assess the need for material development.
- d. Develop materials for use by community-based trainers and through Web-based technology.
- e. Identify law enforcement and other community based stakeholders who are committed to the principles of prevention and education.

PRIORITY 3: DEVELOP AND PROMOTE COMMON OPERATING PROCEDURES AND STANDARDS:

Operating procedures and standards are essential to protect the integrity and reliability of digital evidence. Only a cooperative effort working through consensus to develop and adopt common operating procedures and best practices will succeed.

GOAL 1. Assemble a working group to review existing evidence collection and forensic operating protocols.

- a. Through consensus, develop best practices in the investigation and prosecution of cyber crime.
- b. Promote the broad adoption of the best practices.

PRIORITY 4: EXAMINE STATEWIDE DIGITAL FORENSIC EVIDENCE PROCESSING REQUIREMENTS

The number of investigations requiring digital evidence examinations will dramatically increase. In order to maintain the significant ground gained during this period of collaboration, the partners in the initiative must put in place systems for ongoing assessment and planning.

GOAL 1. Continue to analyze the nature and prevalence of cyber crime through surveys and data gathering.

- a. Continue to gather data on the nature and scope of cyber crime.
- b. Continue to evaluate existing resources.
- c. Evaluate whether existing resources are sufficient to address the problem and, if not, what alternatives are available.

PRIORITY 5: SECURE FUNDING FOR CYBER CRIME PROGRAMS

The costs associated with combating cyber crime are recurring, ongoing, and increasing. Given the ongoing and increasing expenses involved in combating cyber crime, financial resources must be identified.

GOAL 1. Identify sources of funding for cyber crime programs.

- a. Identify and apply for federal funds that may be accessed or leveraged by the Cyber Crime Initiative.
- b. Identify and apply for funds in the Commonwealth that may be accessed or leveraged by the Cyber Crime Initiative.

- c. Identify local resources that may be accessed or leveraged by the Cyber Crime Initiative.
- d. Identify private sector / not-for-profit resources that may be accessed or leveraged by the Cyber Crime Initiative.

PRIORITY 6: AMEND JURISDICTIONAL AND SUBSTANTIVE LAW

We are fighting 21st Century crime with 19th Century laws. Legislative support is necessary to effectively combat cyber crime.

GOAL 1. The Office of the Attorney General, the Massachusetts District Attorneys Association, Cyber Crime Initiative law enforcement partners, and the Commonwealth's legislators will prioritize the list of potential changes to the jurisdictional and substantive law and develop a plan to introduce legislation to amend these laws.



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